

REMARKS/ARGUMENTS

Applicants have carefully reviewed and considered the Office Action mailed on May 3, 2007, and provide the following remarks and arguments.

No changes are made in the claims. Claims 1 and 6-8 are now pending in this application. A complete listing of the claims was provided with the prior response.

§102 Rejection of the Claims

Claims 1 and 6-8 were rejected under 35 USC § 102(b) as being anticipated by Gower *et al* (*J Neuroimmunol* 125 (March 2002) 103-113). The Office Action stated that Gower *et al* disclose a method for purifying an immunosuppressant protein (HISP) comprising obtaining supernatant from hNT cells, exposing the supernatant to preparative polyacrylamide gel electrophoresis, placing the active isoelectric fraction on a Blue Sepharose column, and collecting the free fraction containing the concentrated HISP. The Office Action further observed that there were additional steps of ultrafiltration and Sephadryl fractionation, and combining groups of five fractions and determining peak active fraction.

Applicant William R. Gower, Ph.D., hereby submits an Affidavit under 37 CFR § 1.132 and attached letter from the journal indicating that the journal received the attached manuscript draft in September 2001. As Dr. Gower states, the draft manuscript contained essentially all the information later published. Furthermore, the draft manuscript contains a description of and support for the invention as claimed. Therefore, the affidavit, journal letter and draft manuscript constitute evidence that the inventors reduced the invention to practice before the publication of the article. Because the Applicants invented the claimed invention before the publication of the cited article, Applicants respectfully request that this Section 102(b) ground for rejection be withdrawn.

Conclusion

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3956.

Respectfully submitted,

By their Representatives,

Date September 26, 2007
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Enclosure: Copy of Affidavit Under 37 CFR § 1.132
Copy of Correspondence from journal and of draft manuscript